

Remarks

In the subject Action, the Examiner rejected claims 2 and 7-10 under 35 U.S.C. 112, as being indefinite. Applicant respectfully traverses this rejection and requests reconsideration for the following reasons.

With regard to the term "link" in relation to all of the rejected claims 2 and 7-10, the term "link" is used in each of the first two paragraphs that appear on page 21 of the specification as originally filed. While amending these paragraphs in response to the subject Action, Applicant has added reference numeral 241 to more clearly identify the recited links (and 245 to more clearly identify the recited foot supports). Also, the specification describes the subject invention in terms of a linkage assembly 150 or 250 that movably mounts foot supporting members relative to a base (e.g., see page 5, lines 11-13; page 10, lines 19-24), and Applicant respectfully submits that structural elements within a linkage assembly may be designated and/or construed as links.

With regard to claim 2 in particular, Applicant is requesting that claim 2 be amended to recite that each said foot support is mounted on a respective link for movement in a second, discrete direction relative to the link. In response to the Examiner's comment about the portion of the foot support on the pivot axis not moving at all, Applicant can only reply that the pivot axis is defined by a shaft, and either (a) the entire foot support moves about the shaft, in which case, the shaft would most appropriately be interpreted as part of the link, or (b) the entire foot support

moves together with the shaft, in which case the shaft would most appropriately be interpreted as part of the foot support (that moves relative to the link).

With regard to claim 7, from which claims 8-10 depend, Applicant respectfully submits that claim 7 properly recites the linking of the links 241 and the foot supports 245, and Applicant directs the Examiner's attention to the cable 251 and the cord 254 shown in both Figure 7 and Figure 13. As noted in the only full paragraph on page 11 of the specification, the cable 251 is secured to each foot skate (or link) 241, and routed about pulleys 261 and 262. As noted in the subsequent paragraph (that begins on page 11 of the specification), the cord 254 is secured to the shorter segment on each foot platform (or foot support) 245, and routed about pulley 264 (disposed beneath pulley 262). In other words, the pulley 262 (or 1262 in Figure 13) is linked to each link 241, and the pulley 264 (or 1264 in Figure 13) is linked to each foot support 245. The two paragraphs that begin on page 13 of the specification relate the Figure 13 embodiment to the Figure 7 embodiment.

Next, the Examiner objected to the specification with regard to paragraphs spanning pages 19-21 being written in "claim type" format. Applicant has amended these paragraphs in an effort to address this objection.

Next, the Examiner rejected claim 2 under 35 U.S.C. 103(a) over the cited patent to Stearns in view of the cited patent to Garcia. Applicant respectfully traverses this rejection and

requests reconsideration in view of the foregoing amendments and the reasons set forth below.

Applicant is requesting that claim 2 be amended to emphasize that the adjustable resistance means is linked to each link and each foot support, and is constrained to simultaneously adjust resistance to both (a) movement of each said foot support relative to a respective link, and (b) movement of each said link relative to the base. No such resistance means is taught or suggested by the Stearns reference, the Garcia reference, or any combination thereof. This is particularly true when the recited means is interpreted within the context of Applicant's disclosure, as mandated by the Federal Circuit in In re Donaldson Co., 16 F.3d 1189, 29 U.S.P.Q.2d 1845 (Fed. Cir. 1994).

Finally, the Examiner noted that claim 1 is allowed, and Applicant appreciates this finding.

Having addressed the issues raised in the subject Action, Applicant respectfully requests reconsideration and allowance of claims 1-2 and 7-10. If it would be helpful in any way, the Examiner is always welcome to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

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